

ATTACHMENT A

Remarks

By this Amendment, claims independent claims 28 and 32 have been further amended to avoid the art rejection. It is submitted that the present application is in condition for allowance for the following reasons.

In the *Claim Rejections - 35 USC § 102 and § 103* sections, independent claims 28 and 32 were rejected under 35 USC § 102 as being anticipated by the Tengel patent; while all of the claims dependent therefrom were either similarly rejected over the Tengel patent or rejected as being obvious over the Tengel patent in combination with the Hartman patent . However, for the following reasons, it is submitted that both independent claims are allowable over the Tengel patent

The Tengel patent teach a “loan origination system” for automatically matching a best available loan to a potential borrower (see Abstract). This loan origination system is described as storing into a database respective loan acceptance criteria and respective loan attributes for an offered loan.

According to the Abstract of the Tengel patent, the loan origination system “compares the borrower attributes of the potential borrower of all of the loan acceptance criteria stored in the database to determine any available loans for the potential borrower.” The available loans are ranked, the borrower chooses a particular loan, and a loan application “is automatically generated from the borrower attributes and is automatically sent to the selected lender for loan approval.” These steps are, of course, explained in greater detail in the body of the specification.

The system of the Tengel patent differs from the present invention in a number of ways, some obvious and some more subtle. Firstly, the system of the Tengel patent is merely a “loan origination system” whose final output is a “loan application” that the system sends (at step 222 in figure 2B) “to the selected lender for loan approval.” The present invention on the other hand provides an apparatus “for receiving and assessing an application made by an applicant” (see claim 28). In other words, the apparatus of the present invention receives as input what the system of the Tengel patent produces as output. Neither the system of the Tengel patent nor the apparatus of the present invention is adapted to perform the functions of the other.

This distinction may be understood by analogy with the processing of a patent application. A patent application filed with the US Patent and Trademark Office must undergo two distinct steps before grant: “acceptance” and “allowance”. An application is “accepted” if it conforms to various formal acceptance criteria. Once “accepted”, the application then proceeds to examination and, if approved by the examiner, is “allowed”.

Similarly, the system of the Tengel patent includes a database 110 containing respective “loan acceptance criteria” (column 5 lines 14 and 15) so that the system can determine whether an application should be “accepted” according to the criteria of a plurality of lenders. The borrower is ultimately informed of the “best loans” for which his or her application has been determined to be acceptable (column 9 lines 36 and 37; figure 6).

However, as is the case with the US patent application, at this point—despite receiving notification of “acceptance” of the application—the application has not actually been examined or approved/allowed by the application recipient (whether lender or

Patent Office). Accordingly, the system of the Tengel patent generates and sends a loan application on behalf of the borrower to a selected lender for “loan approval” (column 10 lines 10 to 13). This sending of the application (at step 222) completes the role of the system of the Tengel patent, once the application has been “accepted” (but before the application is approved or allowed by the lender). Subsequently, as the Tengel patent note, the lender completes the loan underwriting process “to decide whether to provide a loan to the potential borrower” (column 10 lines 15 and 16). Notably, this step does not appear in the flowchart (of figures 2A and 2B) of the operation of the loan originating apparatus of the Tengel patent

It must thus be appreciated that the system of the Tengel patent is concerned exclusively with this “acceptance” stage, and not with the subsequent stage where a decision is made by a lender as to whether the application should be “approved” or “rejected.”

The apparatus of the present invention, however, deals with this subsequent stage. For this reason, the apparatus of the present invention stores or has access to the “approval criteria” of a plurality of application recipients, and not merely “acceptance criteria.” These approval criteria are used to assess the application and “a respective separate assessment of said application for each of said application recipients” is ultimately formed. In order to more clearly distinguish the “approval criteria” of the invention from the “acceptance criteria” of the Tengel patent, independent claims 28 and 32 have been amended to recite that each respective separate assessment (i.e. formed on the basis of the approval criteria) comprises “an approval or a rejection of the

application". As discussed above, these assessments are thus comparable to the allowance or rejection of a patent application.

With the above in mind, it is thus appreciated that there is no teaching or suggestion in the Tengel patent of the creation or provision of "approval criteria" that can be used to approve or reject an application. It is accordingly submitted that the present invention is novel and patentable over the Tengel patent

The provision of approval criteria allows the apparatus of the present invention to approve or reject an application (something the system of the Tengel patent is not adapted to do), but it also produces another important benefit. The database 110 of the Tengel patent includes loan acceptance criteria of a plurality of lenders. However, the system of the Tengel patent is configured only to generate a loan application based on the borrower's selection (column 9 lines 62 to 62 and column 10 lines 8 to 11) so that, ultimately, the borrower's application is assessed (for approval or rejection) by only the one lender selected by the borrower. It is clear from the disclosure of the Tengel patent (and in particular the above-referenced column 10 lines 14 to 16) that a loan application – even though it has been "accepted" according to the loan acceptance criteria of the lender to which it is ultimately submitted – may not be approved. If the loan is not approved by the selected lender, the borrower must presumably repeat the whole operation, select a different loan (at step 212) and submit a new application (at step 222).

The purpose of the present invention is to minimize such needless repetition. Unlike the system of the Tengel patent, the apparatus of the present invention forms a respective separate assessment of the application "for each of said application

recipients”, wherein each separate assessment “comprises an approval or a rejection of the application.” The system of the Tengel patent merely advises a borrower whether he or she can apply for a loan and assists in submitting a single application; the apparatus of the present invention determines the approval or rejection of the application as though it had been submitted to multiple application recipients (such as lenders) and hence as though it comprised multiple applications. There should therefore generally be no reason for an application using the present invention to submit any particular application more than once.

Another feature of the present invention is provided to further eliminate unnecessary repetition. The system of the Tengel patent allows a lender to store loan acceptance criteria in database 110 (column 7 lines 20 to 22); the loan acceptance criteria of the preferred embodiment being tabulated in figures 3A and 3B. As might be expected, and as is apparent from these figures, the loan acceptance criteria are extensive and complex. For example, criterion 319 concerns the “number of 60-day non-mortgaged delinquencies in the past 24 months.”

The corresponding “borrower loan application form 500” of the Tengel patent is shown in figure 5. It is noteworthy that the “application form” makes no attempt to address all of the loan application criteria; certainly there is no mention is made of the “number of 60-day non-mortgaged delinquencies in the past 24 months.” (This, however, is consistent with the criteria of figures 3A and 3B being merely “acceptance criteria” and not “approval criteria”.)

More importantly, this comparison of the brief information requested in the “application form” with the more extensive loan acceptance criteria demonstrate that the

system of the Tengel patent does not include feature (b) of claim 28 or steps b) and c) of claim 32. The computing means defined in claim 28 is configured or programmed to request “without duplicated queries” that the applicant provide application information that is “required to assess the application against the superset of approval criteria.” Correspondingly, steps b) and c) of claim 32 comprise “determining application information which is required... to assess the application against the superset of approval criteria”, and “requesting without duplicated queries that the applicant provide the application information...”. This feature of the present invention is discussed generally from page 24 line 21.

The system of the Tengel patent is not configured to determine (or request that the applicant provide) “application information... required to assess the application against the superset of approval criteria.” Indeed, it is submitted that the Tengel patent teach against doing so, since the application form of figure 5 clearly fails to address all of the “loan acceptance criteria” listed in figures 3A and 3B.

This distinction is understandable, in view of the respective purposes of the system of the Tengel patent and of the present invention. The apparatus and method of the present invention are designed to provide approval or rejection of an application, not merely acceptance or “pre-approval”, so the data constituting the “approval criteria” and consequently the application information required to assess the application against the approval criteria are more complex and complete than any corresponding feature of the system of the Tengel patent. For this reason also the present invention avoids requesting information duplicate times; otherwise requesting the application information could become needless protracted. This problem does not arise with the simpler role of

the system of the Tengel patent, so the Tengel patent understandably make no reference to these features of the present invention.

It is submitted therefore that the Tengel patent fail to teach or suggest feature (b) of claim 28 and fail to teach or suggest steps b) and c) of claim 32. Accordingly, it is submitted that amended independent claims 28 and 32 of the present application are novel and patentable over the cited art.

As noted in a previous Amendment, independent claims 28 and 32 were substantially amended to more closely conform with the "Superset Decision Method" as discussed best in the specification from page 22. In particular, it is claimed in both independent claims 28 and 32 that a "superset of approval criteria" is formed which comprises "a union of respective sets of approval criteria of a plurality of application recipients". The creation of the superset allows, for example, the apparatus of the invention to more efficiently interrogate an applicant and hence to more efficiently collect application information. Duplication in the sense of repeated identical or substantially identical questions is thereby avoided. Thus, the present invention provides for the gathering of the needed application information for many loan applications by presenting the applicant with only some few additional questions beyond that which would be required for a *single* application.

The cited Tengel patent discloses merely discloses that all of the loan acceptance criteria are stored in a database 110. There is no teaching or suggestion that a superset of approval criteria is ever formed into a union of respective sets of approval criteria of a plurality of application recipients from this database and against which superset the application information required from the applicant is determined as

recited in both claims 28 and 32. Thus, the Tengel patent does not teach or suggest in any manner the claimed steps, or the advantages attendant thereto noted above (efficient interrogation, elimination of duplication).

It is submitted, therefore, that amended independent claims 28 and 32 are neither disclosed nor made obvious by the Tengel patent so that claims 28 and 32 are allowable. In addition, it is submitted that the remaining claims 29-31, 49-55, 33-34, 42-44 and 56-61 depending therefrom are similarly allowable.

Dependent claims 29, 33 and 57 of the present application are directed to optimizing the sequence of questions or sets of questions to reduce or minimize the number of questions or sets of questions. Dependent claims 51 and 59 are similar to claims 29, 33 and 57, but instead define adjusting the sequence of questions yet to be presented to the applicant in response to application information supplied by the applicant in response to questions previously presented to the applicant. There is clearly no disclosure in the Tengel patent of either technique, as is apparent from the loan application form 550 of figure 5 and its description at column 8 lines 37 to 49. No adjustment or optimization of the questioned sequence is performed, whether to reduce the number of questions or otherwise. Indeed, the brevity of the questions of loan application form 550 teaches against doing so or importing any such adjustment or optimization. The questions in figure 5 already fit a single page and changing their order would clearly not produce, for example, a reduction in their number. Accordingly, it is submitted that dependent claims 29, 33, 51, 57 and 59 are novel and inventive over the disclosure of the Tengel patent and additionally allowable for this reason.

Dependent claims 30 and 34 of the present application define input means for inputting the application and communication means for communicating the assessments. As discussed above, the Tengel patent neither teaches nor suggests assessments comprising an approval or rejection of an application, and consequently do not disclose a communication means for communicating or sending such assessments. It is submitted, therefore that dependent claims 30 and 34 are novel and inventive over the cited document and additionally allowable for this reason.

Dependent claim 31 defines, in effect, the presentation of a plurality of forms to the applicant, where the second and subsequent forms are constructed on the basis of information received in earlier forms. The requesting of a necessary information in the second and the one or more subsequent forms thereby can be avoided. The Tengel patent clearly includes no disclosure of this technique. Further, the brevity of loan application form 550 of figure 5 does not require and indeed is inconsistent with presenting a plurality of forms where the second and subsequent form are constructed on the basis of some the information previously provided by the applicant in previously completed and received forms. The simplicity of form 550 teaches against the use of the technique defined in claim 31. Accordingly, it is submitted that claim 31 is novel and inventive over the disclosure of the Tengel patent and additionally allowable for this reason.

Dependent claims 49 and 56 are directed to determining any dependency of any of the approval criteria on any other, requesting the application information, promoting those questions whose responses render a high, or the greatest possible, number of later questions redundant, and omitting any questions thereby rendered redundant. The

Tengel patent is silent on all of these specific steps and, as discussed above, the simplicity of the disclosed loan application form 550 teaches against requiring or employing any comparable technique. Nothing in the Tengal patent suggests that the order of questions (whether in loan application form 550 or otherwise) can or should be altered, or that this should be done to render at least some questions redundant. Accordingly, it is submitted that claims 49 and 56 are novel and inventive over the Tengal patent and additionally allowable for this reason.

Dependent claims 50 and 58 are directed to requesting the application information and including an introductory question in at least one of the groups of questions to reduce ambiguity in the respective group of questions. The Tengal patent is silent on this feature also, understandably in view of the limited nature of the disclosed method (being concerned only with “acceptance”, rather than with approval or rejection). Furthermore, the brevity of loan application form 550 again teaches against introducing such an introductory question or questions. It is submitted, therefore, that dependent claims 50 and 58 are novel and inventive over the Tengal patent and additionally allowable for this reason.

Dependent claims 52 and 60 are directed to ignoring one or more defects in application information returned by the applicant on the basis of preset tolerances for decision certainty. Claims 53 and 61 are similar, but are instead directed to refraining from requesting certain application information deemed non-critical in some or all circumstances. The Tengal patent neither teaches nor discloses ignoring defects or refraining from requesting non-critical information; indeed, these terms appear nowhere in the text of US 5,940,812. This is understandable, however, given that the Tengal

patent is concerned merely with the preliminary step of “acceptance”, not with the type of assessment—comprising either approval or rejection—made according to the present invention. There would thus also be no reason to import into the system of the Tengel patent a mechanism for performing steps comparable to those defined in claims 52, 53, 60 and 61. Hence, it is submitted that claims 52, 53, 60 and 61 are novel and inventive over the Tengel patent and additionally allowable for this reason.

Dependent claims 54 and 55 are respectively directed to forming the superset of approval criteria from the respective sets of approval criteria and to determining what application information is required to assess the application against the superset of approval criteria. The loan application form 550 of figure 5 of the Tengel patent is not designed to satisfy the full set of acceptance criteria shown in figures 3A and 3B. Consequently, it clearly does not result from an attempt to form a superset of approval criteria from respective sets of approval criteria or, therefore, an attempt to determine what application information is required to assess the application against that superset of approval criteria. Rather, the lack of a one-to-one correspondence between the acceptance criteria of the Tengel patent (figures 3A and 3B) and the loan application form of the Tengel patent (figure 5) demonstrates that the features of dependent claims 54 and 55 have not been employed by—and would be inconsistent with—the teaching of the Tengel patent. Thus, it is submitted that claims 54 and 55 are novel and inventive over the Tengel patent and additionally allowable for this reason.

It is noted that in the § 103 section, claims 35-38 are also rejected as being unpatentable over Norris, Hartman *et al.* and Fraser *et al.* However, these claims were

canceled in the previously submitted Amendment After Final so that this rejection is no longer relevant.

For all of the foregoing reasons, it is submitted that the present application is in condition for allowance and such action is solicited.